



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING FEBRUARY 9, 2010 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Loe, Barrios, De La Cruz and Monaco were present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger and Clerk of the Board Linda Churchill.. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

PRESENTATIONS & RECOGNITIONS:

- c) *Supervisor Loe presented Certificate of Recognition to Celia Sepulveda for over 20 years of service as a member of the Community Action Board of San Benito County. (Supervisor De La Cruz) File #156*
- d) **Public Comment:** Joe Thompson, local resident, expressed his continued concerns with what he considers an ongoing war between government and small business and also stated that he received confirmation from the Attorney General's office that COG and VTA are not exempt from the Brown Act.
- e) **Department Head Announcements:** Public Works Administrator Steve Wittry reported that his department received word that a State Hazard Elimination System grant application was approved and we were successful in getting about \$300,000 for a new signal at Santa Ana Road and Fairview Road.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe reported that she and Chairman Monaco attended a mock-up of the new courthouse facility depicting what the courtrooms and rooms will look like. Supervisor Loe stated that this was a \$31 million project coming to San Benito County and will be a huge benefit.

Supervisor Loe also announced that there is a possibility of having the YMCA's new site at the former Leatherback site with a possible co-location with Gavilan College on the same site. *Supervisor Loe said she and Supervisor*

Barrios would like to have a resolution agendized supporting this co-location of YMCA and Gavilan College at the former Leatherback site.

Supervisor Barrios stated she also supports the co-location and she would be attending the Gavilan Board of Trustees meeting tonight in support of this idea.

Supervisor Barrios thanked Management Analyst Janelle Cox and Public Works Administrator Steve Wittry for attending a CSA #42 meeting last night stating that it went quite well and a lot of questions were answered.

Supervisor Barrios also reported that on Saturday she attended the Tri-County Association of Latino Elected Officials where State Controller John Chiang made an excellent presentation.

Supervisor De La Cruz announced that Robert Scattini is the new Chairman of the San Benito County Planning Commission for 2010.

Supervisor De La Cruz reported that he and Supervisor Loe met with Health & Human Services Agency Director Kathy Flores and Community Services and Workforce Development Deputy Director Enrique Arreola about that department and there would be some recommendations coming before the Board of Supervisors.

Chairman Monaco announced that the Pinnacles National Monument received a \$13 million stimulus package grant to refurbish the west side of the Pinnacles which is a major improvement for the park.

Chairman Monaco stated that he was forming an ad hoc committee to work on issues that need to be dealt with in regards to Cal Fire and the services they provided. Chairman Monaco appointed Supervisors Botelho and Loe to this committee.

CONSENT AGENDA:

Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, approved Consent Agenda Items 1 through 9 with the exception of Items 3 and 5 which were pulled for discussion. (Unanimous)

CLERK OF THE BOARD – L. Churchill:

- 1) **Approved** the action minutes for the December 15, 2009 regular meeting and January 21, 2010 special meeting (Retreat).

COUNTY LIBRARIAN – Nora Conte:

- 2) **Approved** the reimbursement of personal expenses for Out-of-State Travel for the County Librarian to attend the 2010 Public Library Association Conference in Portland, Oregon from March 23-27, 2010 in the amount of \$1,486.00. *File #80*

COUNTY COUNSEL – M. Granger:

- 3) **Approve Amendment No. 1 to contract with Aspen Environmental Group and approve Interim Reimbursement Agreement dated February 3, 2010 , Entitled “Agreement to Reimburse Outside Consultant Fees” and authorize the Chair to sign.**

Item was pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho approved as recommended. (Unanimous) File #160*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 4) **Approved** contract with Environmental Stewardship & Planning, Inc. for environmental services to affect the Zone Change and General Plan Amendment at the Resource Recovery Park located at 2733 John Smith Road, Hollister, CA 95023. *File #75.4*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 5) **Adopt resolution authorizing the Association of Monterey Bay Area Governments to submit a loan application to the California Energy Commission on behalf of San Benito County, and if granted, to accept a loan up to \$125,000 and authorize the Public Works Administrator to execute all necessary documents, and finding that the identified projects funded under these opportunities are exempt from CEQA.** *File #105.3*

Item was pulled for discussion.

BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, adopted Resolution No. 2010-14 as recommended. (Unanimous) File #105.2*

- 6) **Accepted** all bids in the bid summary report and **awarded** contract to Barbosa Cabinets, Inc. for the Juvenile Hall Cabinetry Project, as the lowest responsive, responsible bidder; **approved** the contract with Barbosa Cabinets, Inc.; **authorized** the Public Works Administrator to sign the contract in the amount of \$17,738; and **authorized** the Public Works Administrator to sign change orders in the amount not to exceed \$1,774. *File #120.5*
- 7) **Approved** contract for assessment of the Sheriff's Administration Building with Beverly Prior Architects in an amount not to exceed \$19,000. *File #110*

SHERIFF'S DEPARTMENT – C. Hill:

- 8) **Approved** an increase to Sheriff's Schedule of Fixes Assets, Expenditure and Revenue Schedules adding replacement vehicle in the amount of \$28,711.73. (Unanimous Vote) *File #110*
- 9) **Approved** budget augmentation for Sheriff's UNET Budget Pursuant to the Memorandum of Understanding in the amount of \$10,000. (Unanimous Vote) *File #110*

REGULAR AGENDA:

ADMINISTRATION:

- 10) **Accept and receive the FY 2009-10 Second Quarter (mid-year) Budget Status Report, approve contingency transfer of \$136,320 to Agricultural Commissioner and direct staff as necessary.** (4/5 vote)

Management Analyst Catherine Shaw presented a PowerPoint presentation covering the following points: Update from First Quarter; Revenue Received as of Dec. 31, 2009; General Fund Non-Departmental Revenue Shortfall Estimate Through June 30, 2010; Where Are the Shortfalls?; Departmental Revenue shortfalls; and, Budget Factors.

Ms. Shaw reported that typically we like to see expenditures at 50% or less and our revenues at 50% but on the average revenues are typically received at about the 33% range at mid-year. Ms. Shaw stated that because the

economy is still not showing signs of relief, coupled with the turmoil at the State level, staff has kept operating expenditures at 31% countywide and revenues have been received at about 25%.

Ms. Shaw stated that with this report there is a budget transfer included requesting an augmentation from the contingency in the amount of \$136,320 to go into the Agricultural Commissioner's budget and if approved this augmentation will bring that budget (Object Group – Salaries & Benefits) back in line. Ms. Shaw explained that that was a major payout from this budget during the second quarter.

Lengthy discussion ensued.

Ms. Shaw; CAO Susan Thompson; County Clerk/Auditor/Recorder Joe Paul Gonzalez; Nadine DaRoza, Community Services & Workforce Development; Health & Human Services Agency Director Kathy Flores and Deputy Director Mark Eiserer answered questions posed by Board members.

Local residents Joe Thompson, Marty Richman and Marvin Jones provided comments and input.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved an appropriation transfer in the amount of \$136,320 from Contingency to Agricultural Commissioner budget. (Unanimous)*

It was the consensus of the Board that staff will return immediately with reductions in both revenues and appropriations side and continue it on each future Board meeting to get the appropriations and revenues in line. File #865

BUREAU OF LAND MANAGEMENT – R. Cooper:

11) **Receive report by the Bureau of Land Management regarding the Environmental Impact Study report on the Clear Creek Management Area.**

Rick Cooper, Hollister Field Office Manager for Bureau of Land Management, provided background stating that the area was closed in May 2008 based on an EPA (Environmental Protection Act) report that BLM received and they have been diligently working on completing this plan to arrive at final decisions as to how we are going to manage in that area.

Mr. Cooper presented a PowerPoint Presentation covering the following points: Clear Creek Management Area Draft RMP/EIS; Range of Alternatives (7); BLM's Preferred Alternative; Developing a Preferred Alternative Strategy; Preferred Alternative Strategy; Impacts to County Roads in ACEC; and also showing various maps of the area.

Mr. Cooper answered questions posed by Board members and Board members provided input.

Chairman Monaco indicated that County Counsel Matt Granger has agreed to meet with BLM representatives and discuss alternatives noting we do not send county employees out to that area as it is now deteriorating.

County Counsel Granger stated that his office has been looking into this issue quite closely and will be briefing the Board of Supervisors in a future Closed Session on the legal issues with regards to abandonment of roads and resolving the asbestos issues out there and then consider the matter in open session with regards to abandonment of county roads.

Mr. Cooper stated he would return to the Board of Supervisors with updated reports. *File #119.2*

INTERNAL SERVICES – R. Inman:

- 12) **Receive the Five Year Impact Report for fiscal year 2003/2004 thru 2007/2008 and Annual Report for fiscal year 2008/2009. Reports are available for public review until March 2, 2010 when the report will be brought back for review and approval.**

Internal Services Director Rich Inman reported that the Government Code requires that the County prepare an Annual Report for each fiscal year outlining a number of things related to impact fees and every five years a five-year report must be prepared. Mr. Inman noted that it was the five-year report that was included in the Board's packet. Mr. Inman stated that there is a 15-day public review period required and therefore today the Board is just receiving the reports and deferring any discussion on the items to the March 2, 2010 meeting.

County Counsel Granger noted that if any members of the public wishes to review the materials the documents are available by contacting the County Administrative Office and copies are currently available in the back of the Board Chambers. File #119.2

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) **Adopt Resolution authorizing one or more Board of Supervisors member to file written arguments in support of the ballot measures presented to the voters at the May 4, 2010 Special Election and discuss and approve argument. (Continued from 2/2/10 meeting).**

Public Works Administrator Steve Wittry provided background information stating that on January 12, 2010 the Board of Supervisors adopted a Resolution of Intention to impose a Property-Related Fee in various County Service Areas (CSA's) and this process includes a public hearing on March 9, 2010 and Mail-Ballot Elections on May 4, 2010. Mr. Wittry stated that Elections Code Section 9162 permits the Board of Supervisors to authorize one or more of its members to file written arguments for or against measures presented to the electorate and a draft written argument was reviewed by the Board on February 2, 2010 and Supervisor Barrios and Chairman Monaco worked on revisions to the argument for adoption by the Board today.

Discussion ensued and it was the consensus of the Board that the last sentence of paragraph two should read "*If the CSA does not pass the required fee the Board **will** determine to provide only essential services as defined by state law and to charge the residents for those services*".

Local residents Joe Thompson and Marty Richman addressed the Board and staff answered questions.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, adopted **Resolution No. 2010-15**, with amendment as previously stated, and authorizing the Chairman of the Board of Supervisors to file the written arguments in support of the ballot measures presented to the voters at the May 4, 2010 Special Election; and, approve the written argument, as amended, attached as Exhibit "A" to the Board's Report. CSA File*

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

14) **Conference with Legal Counsel-Existing Litigation. (Subdivision (a) of Section 54956.9)**

Name of Case: Association for Equal Information and Governmental Integrity v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-09-00043.

BOARD ACTION: *County Counsel Matt Granger reported that by a 4-1 vote the Board voted to accept settlement offer from the plaintiffs regarding the payment of their costs. File #235.6*

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The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Botelho, Loe, Barrios, De La Cruz, Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 11:40 a.m. to February 23, 2010 at 9:00 a.m. for a regular meeting.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill, Clerk of the Board